

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**STATE OF OKLAHOMA, ex rel. W.A.  
DREW EDMONDSON, in his capacity as  
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STATE OF OKLAHOMA AND  
OKLAHOMA SECRETARY OF THE  
ENVIRONMENT C. MILES TOLBERT,  
in his capacity as the TRUSTEE FOR  
NATURAL RESOURCES FOR THE  
STATE OF OKLAHOMA**

**PLAINTIFFS**

**v.**

**CASE NO.: 05-CV-00329 TCK –SAJ**

**TYSON FOODS, INC., TYSON  
POULTRY, INC., TYSON CHICKEN,  
INC., COBB-VANTRESS, INC.,  
AVIAGEN, INC., CAL-MAINE FOODS,  
INC., CAL-MAINE FARMS, INC.  
CARGILL, INC., CARGILL TURKEY  
PRODUCTION, LLC, GEORGE'S,  
INC., GEORGE'S FARMS, INC.,  
PETERSON FARMS, INC., SIMMONS  
FOODS, INC. and WILLOW BROOK  
FOODS, INC.**

**DEFENDANTS**

**THE TYSON DEFENDANTS' REQUEST FOR ORAL ARGUMENT**

Two interrelated motions are pending before this Court. Accordingly, Defendants Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; and Cobb-Vantress, Inc. (collectively, the "Tyson Defendants") respectfully request that this Court hear oral argument on the following:

1. *Tyson Defendants' Motion for More Definite Statement with Respect to Counts One and Two of the Amended Complaint* (Dkt. No. 71); and
2. *Tyson Defendants' Motion to Compel* (Dkt. No. 1019).

These two motions are interconnected because each is necessitated by the refusal of

Plaintiffs to specify the true nature and scope of their claims in this case so that the Tyson Defendants can prepare a defense to such claims. For example, the *Motion for More Definite Statement* seeks to compel Plaintiffs specifically to identify the geographic areas where they allege contamination has occurred sufficient to qualify those areas as CERCLA “facilities” under Counts One and Two of their Amended Complaint. *See generally*, Motion for More Definite Statement (Dkt. No. 71). Similarly, the *Motion to Compel* seeks an order from this Court requiring Plaintiffs to answer interrogatories on this same subject. *See* Motion to Compel (Dkt. No. 1019), Ex. 2, Cobb-Vantress Interrog. No. 5.

Oral argument would more fully develop the issues presented by these motions and assist the Court’s deliberations by facilitating an exchange of information between the Court and the parties that may not be achieved through briefing alone. Because these two motions are interrelated, judicial economy and efficiency would be served by allowing argument on these two motions during the same hearing. Pursuant to LCvR 7.2, briefing on the *Motion to Compel* should be completed no later than February 19, 2007. The Tyson Defendants request that oral argument be conducted on these two motions as soon thereafter as the Court’s docket will permit.

WHEREFORE, the Tyson Defendants respectfully request that this Court schedule oral argument on the above-referenced motions at the Court’s earliest opportunity after February 19, 2007.

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## **CERTIFICATE OF SERVICE**

I certify that on the 12<sup>th</sup> day of January 2007, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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